

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON R. JOHNSON,  
Plaintiff,  
v.  
WARDEN, et al.,  
Defendants.

No. 2:23-cv-00908-DC-JDP (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 42)

Plaintiff Brandon R. Johnson is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 2, 2024, the assigned magistrate judge screened Plaintiff's operative first amended complaint consistent with the court's May 23, 2024 order referring this matter back to the magistrate judge for further consideration of certain claims (Doc. No. 34), and concluded that Plaintiff's allegations are insufficient to state a plausible claim for failure to intervene against defendant Brown. (Doc. No. 42.) Accordingly, the magistrate judge issued findings and recommendations recommending that Plaintiff's claim against defendant Brown for failure to intervene be dismissed due to Plaintiff's failure to state a cognizable claim. (*Id.* at 3.) Those pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) To date, no

1 objections have been filed, and the time in which to do so has passed.


2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
3 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
4 findings and recommendations are supported by the record and proper analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on October 2, 2024 (Doc. No. 42) are  
7 adopted in full;
- 8 2. Plaintiff's claim against defendant Brown for failure to intervene is dismissed; and
- 9 3. This action is referred back to the assigned magistrate judge for further  
10 proceedings.

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12 IT IS SO ORDERED.

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14 Dated: November 8, 2024

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16 Dena Coggins  
17 United States District Judge  
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